

Atty. Ref.: 080006.0564.NPUS00

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**MAR 28 2011****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

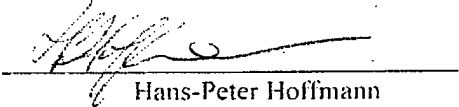
<b>Applicant:</b>	Jane Heschmeyer et al.	<b>Art Unit:</b>	1781
<b>Serial No.:</b>	10/748,287	<b>Examiner:</b>	Stulii, Vera
<b>Filing Date:</b>	12/31/2003	<b>Docket No.:</b>	080006.0564.NPUS00
<b>Title:</b>	LOW-GLUTEN WAFER AND METHOD OF MAKING SAME		

Confirmation No. 9611

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being transmitted electronically or by facsimile (USPTO No. 571-273-8300) or deposited as FIRST CLASS MAIL with the United States Postal Service with sufficient postage an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Date: March 28, 2011

  
Hans-Peter Hoffmann**MAIL STOP AMENDMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE NON FINAL OFFICE ACTION OF****OCTOBER 26<sup>TH</sup>, 2010****INTRODUCTORY COMMENTS**

- REQUEST FOR CONSIDERATION OF RESPONSE**

This "RESPONSE TO THE OFFICE ACTION OF OCTOBER 26<sup>TH</sup>, 2010" replies to the outstanding office action in this case, distinctly and specifically points out the errors in the Examiner's action, as well as responds to every ground of objection and rejection set forth in the

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office action. This response is a *bona fide* attempt to advance the application. In light of the amendments and remarks set forth below, Applicant seeks further examination of the application and requests that the Examiner reconsider the Examiner's position with respect to the patentability of the claims. Applicant hereby requests that any objections or requirements as to form (if any) not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. A Request for Continuing Examination accompanies this Amendment.

- REQUEST FOR, AND PAYMENT OF, EXTENSION FEE

Applicant herein respectfully requests an extension of two months from the shortened statutory response period in order to reply to the pending office action. Applicant hereby requests the extension fee to be charged to extension Kelley Drye & Warren's Deposit Account No. 11-0404. Applicant furthermore provides the Commissioner with the authority to debit this account for any underpayment of such extension fee, and to credit for any overpayment, as well as provides the Commissioner with the authority to debit this account for any extension fee which may come due to the future and/or which may be required to keep this application alive.

- LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT

SECTIONS OF DOCUMENT	LOCATION OF SECTION
I. INTRODUCTORY COMMENTS	Pages 1 - 3
II. AMENDMENTS TO THE SPECIFICATION	Page 4
III. AMENDMENTS TO THE CLAIMS	Pages 5 - 6
IV. AMENDMENTS TO THE DRAWINGS	Page 7
V. REMARKS/ARGUMENTS	Pages 8 - 11
VI. APPENDIX (N/A)	Page 12

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- INTERVIEW SUMMARY

Applicants herein express their appreciation for the telephonic interview with respect to U.S. Patent Application Serial No. 10/748,287 permitted on March 28, 2011 between applicant's representative, Attorney Steven Moore and Examiner Vera Stulii. At the interview no exhibit was shown, nor demonstration conducted.

Discussed during the interview was proposed new independent claim 21. Discussed were also the art of record pending in the application, viz., U.S. Patent No. 3,836,680 to Salza, and the reference Western Communion Hosts (<http://web.archive.org/web/20020215232035/http://www.prospora.org/page35.html>). Agreement was reached that the claim as drafted overcomes the prior art of record in particular in reciting making the wafers between two plates at the specified temperature of the same, and in the constitution of the water-starch mix. The Examiner alleged that a new search would be required on the new claim.

- REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS

Applicants respectfully request entrance of the amendments, and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/cancelled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications directed to the subject matter covered by any cancelled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.

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